

### **REMARKS**

This amendment is responsive to the Office Action mailed 24 June 2009. Applicants request reconsideration and allowance of claims 3-15 as set forth herein.

Claims 4-7, 10-11, and 14-15 stand rejected under 35 USC § 102(b) as being anticipated by Gropper et al. (WO 03/046689) (Gropper).

Claim 9 stands rejected under 35 USC § 103(a) as being unpatentable over Gropper in view of Karmalawy et al (US 6,603,991) (Karmalawy).

Claims 12-13 stand rejected under 35 USC § 103(a) as being unpatentable over Gropper as applied to claim 9 and further in view of Karmalawy.

Applicants respectfully submit that the claims are neither anticipated nor obvious in light of the references of art as set forth in the Office Action.

The present invention is directed to a diagnostic imaging modality of with a user interface that supports to a large extent the automated operation of the diagnostic imaging modality. To this end the scheduler module generates or constructs the ordered selection of operational items. The control system controls execution of operational items by the diagnostic imaging modality. The operational items are executed on the basis of the ordered selection. The ordered selection of operational items includes the order of succession and the timing according to which the operational items are to be executed. Also any relations between operational items are included in the ordered selection, such as the completion of one operational items being a condition to be fulfilled before a next operational item can be executed, or the precise way an operational item is to be executed depending on the result of a previous operational item. Notably, the scheduler module generates ordered selection of various types of operational items. These various types relate to different functions of the diagnostic imaging system, such as acquisition of data, processing of the acquired data including reconstruction of images from the acquired data and image processing functions, viewing functions, such as setting the lay out of the display, patient handling functions and handling of patient information, user interface functions such as issuing instructions, indicating progress or providing additional information. Such additional information for example includes also additional

information or instructions to the operator in the event manual intervention by the operator is needed.

Gropper, on the other hand, is directed to data management systems and more particularly to medical data management. More specifically, Gropper discloses a system and method for organizing, manipulating, and displaying worklists of patient studies for access by medical personnel.

As for the claims at issue, **Claim 15** is directed to a diagnostic imaging system comprising: a control system to control the execution of operational items by the diagnostic imaging system on the basis of an execution list; and a user interface coupled to the control system, the user interface including a scheduler module which generates an ordered selection of operational items, wherein the scheduler module autonomously orders the operational items by arranging the operational items in said ordered selection of operational items based on respective parameter settings of the operational items, and wherein the scheduler module releases operational items to the execution list according to the ordered selection and provides progress information to the user interface during a diagnostic imaging session related to the way the execution of operational items is advancing in the diagnostic imaging session in progress.

As noted above, Gropper does not teach or suggest a control system to control the execution of operation items by the diagnostic imaging system on the basis of an execution list as set forth in claim 15.

In light of the foregoing, reconsideration and withdrawal of the rejection of claim 15 is respectfully requested.

The foregoing discussion relating to claim 15 can also be applied mutatis mutandis to **claims 6 and 9**. For at least these reasons, Applicants submit that claims 6 and 9 are patentable over the references of record.

The remaining claims ultimately depend from one of the above mentioned independent claims. For at least the reasons set forth herein with respect to the patentability of the independent claims, Applicants submit that all of the dependent claims are patentable over the references of record.

Applicants would also like to point out that a rejection of claim 3 was not set forth in the Office Action. Applicants accordingly request that claim 3 be specifically addressed in any subsequent Office Action.

### **CONCLUSION**

Applicants submit that claims 3-15 distinguish patentably and non-obviously over the prior art of record and are in condition for allowance. An early indication of allowability is earnestly solicited.

If any extensions of time are necessary in connection with this Response E, Applicants hereby petition for such extension. If any fees are due in connection with this Response E, the authorization to charge deposit account 14-1270 for the fees associated therewith is hereby provided.

Respectfully submitted,

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